

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Pierre Devlin

Case No.: 2:21-cv-01266-JAD-DJA

Petitioner

V.

W. Hutchings, *et al.*,

ECF No. 16

Respondents

**Order Granting Motion for Leave
to File Second Amended Habeas Petition**

8 In this habeas corpus action, I appointed counsel for the petitioner, Pierre Devlin on
9 September 17, 2021.¹ Appointed counsel—the Federal Public Defender for the District of
10 Nevada—appeared for Devlin on October 14, 2021.² On December January 7, 2022, Devlin filed
11 a first amended petition³ along with a motion for leave to file a second amended petition.⁴

12 Devlin states in his motion for leave to file a second amended petition that he filed his
13 first amended petition as “a protective § 2254 petition based on his calculated AEDPA deadline
14 of January 7, 2022,” and he requests time to file a second amended petition so he can further
15 develop one of his claims.⁵ He states that he has been unable to fully develop the claim because
16 of restrictions caused by the COVID-19 pandemic.⁶ The respondents filed a notice stating that

¹ ECF No. 9.

¶² ECF Nos. 10, 11.

³ ECF No. 14.

4 ECF No. 16.

⁵ ECF No. 16, p. 2.

6 *Id.*

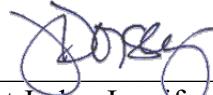
1 they do not oppose the motion.⁷ I find that there is good cause for Devlin to file a second
2 amended petition, and I will grant his motion for leave to do so.

3 Under the circumstances, I will waive application of Local Rule 15-1(a), which generally
4 requires a party moving for leave to amend a pleading to attach the proposed amended pleading
5 to the motion.

6 Nothing in this order is meant to be a comment on, or to affect in any manner, the
7 application of any statute of limitations in this case.

8 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Leave to File Second
9 Amended Petition for Writ of Habeas Corpus (ECF No. 16) is **GRANTED**.

10 **IT IS FURTHER ORDERED** that Petitioner will have 90 days from the date of this
11 order to file a second amended petition for writ of habeas corpus. In all other respects, the
12 schedule for further proceedings set forth in the order entered October 20, 2021 (ECF No. 13)
13 will remain in effect.

14 
15 U.S. District Judge Jennifer A. Dorsey
16 Dated: 1-12-2022

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⁷ ECF No. 17.